IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Bail Appl..No. 5558 of 2007()

CRIME NO.491/2007 OF CHENGANNUR POLICE STATION

PETITIONER/3RD ACCUSED

AJESH,S/O. JAYACHANDRAN,
KONATHETHU, THITTAMEL, CHENGANNUR.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE/COMPLAINANTS

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA

2. SUB INSPECTOR OF POLICE,
CHENGANNUR,ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5558 of 2007

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Dated this the 13th day of September, 2007

ORDER

Taken up today as agreed by both sides. Application for regular bail. The petitioner is the 3rd accused. Altogether there are 10 accused persons- four named and 6 identifiable on sight. The alleged incident took place on 28.08.07. In connection with a boat race there was a crowd and there was an accident involving two vehicles. There was a consequent quarrel with the de facto complainant on one side and the accused persons on the other side. On account of such animosity, later on that evening, it is alleged that the accused persons formed themselves into an unlawful assembly and unleashed an attack on the de facto complainant. The allegations are raised, inter alia, under Sec.308 and 324 IPC. The petitioner is said to be a plus two student. He was arrested on 1.9.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The only overt act alleged against him is that he stabbed the de facto complainant with his hand . Injury suffered is not serious at all. Allegation under Sec.308 IPC has been included unnecessarily. It is in these circumstances prayed that the petitioner may now be enlarged on bail.

3. The learned Public Prosecutor contest the assertions made by the learned counsel for the petitioner but submits that prosecution has no objection and regular bail can be granted to the petitioner, subject to appropriate conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE